

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

JERRY W. MITCHELL

Plaintiff

v.

4:05CV00706 JFF

JO ANNE B. BARNHART,  
Commissioner, Social  
Security Administration,

Defendant

ORDER

Defendant has filed a motion to remand this case pursuant to sentence four of 42 U.S.C. § 405(g) (1995):

The court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.

The Commissioner seeks remand for further development of the record and to issue a new decision. Although time has passed, Plaintiff has registered no objection to the requested remand. Under the circumstances, a sentence four remand is appropriate. Buckner v. Apfel, 213 F.3d 1006, 1010-11 (8th Cir. 2000).

Accordingly, it is hereby

ORDERED that Defendant's motion to remand (docket #16) is hereby granted. All other pending motions are hereby rendered moot. This is a "sentence four" remand. This dismissal is without prejudice to Plaintiff's subsequent filing for attorney's fees under the Equal

Access to Justice Act.

DATED this 2<sup>nd</sup> day of August, 2006.

/s/John F. Forster, Jr.  
UNITED STATES MAGISTRATE JUDGE